
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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| In the Matter of |) | |
| |) | |
| Town of Hammonton |) | File No.: EB-FIELDNER-13-00011952 |
| Licensee of Station WPLX249 |) | |
| |) | NOV No.: V201432400001 |
| Hammonton, New Jersey |) | |
| |) | |
| |) | |

NOTICE OF VIOLATION

Released: November 13, 2013

By the District Director, Philadelphia Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to the Town of Hammonton (Hammonton), licensee of Private Land Mobile Radio Station WPLX249 in Hammonton, New Jersey. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.²

2. On October 18, 2013, in response to a complaint, agents of the Enforcement Bureau's Philadelphia Office inspected Station WPLX249 and observed the following violation:

47 C.F.R. § 1.903(a): "Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part, except as specified in paragraph (b) of this section." According to the license for Station WPLX249, Hammonton is authorized to operate a repeater (FB2) on the frequency 155.550 MHz at the coordinates 39-32-01.4 N / 074-40-58.6 W. The agents found the station operating on this frequency at the coordinates 39-38-09.2 N / 074-48-03.85 W, which is approximately nine miles from the authorized location.³

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

³ The address specified on the license for Station WPLX249 for the authorized transmitter location is 4th Street, Hammonton, New Jersey. However, this address does not correspond to the coordinates 39-32-01.4 N / 074-40-58.6 W specified on the license for the authorized transmitter location. Hammonton must correct the discrepancies that exist between the coordinates and the address specified on the license and the address and coordinates of the actual transmitter location.

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3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,⁴ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Hammonton must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁵

4. In accordance with Section 1.16 of the Rules, we direct Hammonton to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer or official of Hammonton with personal knowledge of the representations provided in Hammonton's response, verifying the truth and accuracy of the information therein,⁶ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁷

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Philadelphia Office
One Oxford Valley Building, Suite 404
2300 East Lincoln Highway
Langhorne, Pennsylvania 19047

6. This Notice shall be sent to the Town of Hammonton at its address of record.

⁴ 47 U.S.C. § 308(b).

⁵ 47 C.F.R. § 1.89(c).

⁶ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁷ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974⁸ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

David C. Dombrowski
District Director
Philadelphia Office
Northeast Region
Enforcement Bureau

⁸ P.L. 93-579, 5 U.S.C. § 552a(e)(3).